

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

LOVE PIERRE-ALCIME,

Plaintiff,

-against-

Civil Action No.:

NOTICE OF REMOVAL

Suffolk County

Index No.: 619700/2021

RM RESOURCES and COSTCO WHOLESALE  
CORPORATION,

Defendants.

-----X

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK:

Defendants, RM RESOURCES and COSTCO WHOLESALE CORPORATION  
("Costco"), by their attorneys, SIMMONS JANNACE DELUCA, LLP, Sal  
F. DeLuca Esq., of counsel, upon information and belief,  
respectfully petitions the Court, pursuant to 28 U.S.C. § 1441,  
as follows:

1. On October 18, 2021, the above-captioned civil action  
was commenced and is now pending in the Supreme Court of the  
State of New York, County of Suffolk bearing Index Number  
6197300/2021. A trial has not yet been had therein. A copy of  
the Summons and Verified Complaint is annexed as **Exhibit "A"**.

2. The action seeks monetary damages for injuries  
allegedly suffered by plaintiff, LOVE PIERRE-ALCIME. Plaintiff

LOVE PIERRE-ALCIME alleges that she sustained permanent injuries as a result of Costco's negligence.

3. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; (b) Defendant, COSTCO is now, and was at the time the action was commenced, a corporation incorporated in the State of Washington with its principal place of business in the State of Washington.

4. Plaintiff also named RM RESOURCES as a defendant. This entity is an improper party to this proceed as it is an out of possession landlord which leased the subject property to COSTCO and has no duties and or responsibilities with respect to the subject property. See, Hockenbrocht v. R.M. Resources, 2013 N.Y. Misc. Lexis 3044. In Hockenbrocht, the Court dismissed an action against RM Resources on the ground that the subject premises was leased by RM Resources to Costco in 1994. Therefore, it was an out of possession landlord and could not be held liable as it did not have any connection to the property at the time of the incident. Due to the fact that the same location was involved in Hockenbrocht as in the case herein, it is clear that RM RESOURCES was fraudulently jointed herein.

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Costco and plaintiff.

6. In addition, the amount in controversy will exceed \$75,000 as plaintiff issue a settlement demand of \$150,000.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Suffolk, promptly after the filing of this Notice.


8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this Notice of Removal, defendant does not waive any defenses which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over defendant, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

**WHEREFORE**, defendants pray that the above-captioned action now pending in the Supreme Court in the State of New York, County of Suffolk, be removed therefrom to this Court.

Dated: Hauppauge, New York  
June 3, 2022

**SIMMONS JANNACE DELUCA, LLP**

By:   
Matthew C. Maloney  
Attorneys for Defendant  
RM RESOURCES and COSTCO WHOLESALE  
CORPORATION

**Office & P.O. Address:**

43 Corporate Drive  
Hauppauge, New York 11788-2048  
(631) 873-4888

TO: SANDERS, ARONOVA, GROSSMAN,  
WOYCIK, VIENER & KALANT, PLLC  
Attorneys for Plaintiff  
**Office & P.O. Address:**  
100 Garden City Plaza, Suite 500  
Garden City, New York 11530  
(833) 726-3377

711073